

Title 200 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

CHAPTER 5 - FIXTURES AND TANGIBLE PERSONAL PROPERTY

001 Fixtures. All fixtures reimbursed by the fund which are attached to real property at the time of site closure are owned by the responsible person or the property owner, if different from the responsible person.

001.01 Reasonable costs for removal of fixtures are eligible for reimbursement at the time of site closure if such fixtures were a part of the approved remedial action.

001.02 Reasonable costs for repair or replacement of fixtures which are damaged by the remedial action are eligible for reimbursement if such activities were approved in a remedial action plan, except in the case of intentional actions or gross negligence by the responsible person or his or her agents.

002 Tangible Personal Property. The responsible person or his or her designated representative shall be reimbursed from the fund for the value of tangible personal property purchased by the responsible person and used in the approved remedial action, pursuant to chapter 3 of these regulations. All tangible personal property reimbursed by the fund is owned by the state, and may be used by the department in other remedial actions, stored until needed, or sold or disposed of in a manner beneficial to the fund.

002.01 Any proceeds from the sale or disposal of such property shall be remitted to the State Treasurer for credit to the fund.

002.02 The department may require a responsible person to reuse tangible personal property that was previously used in other remedial actions. Such equipment need not be warranted by the responsible person.

002.03 The Department shall require a warranty on all new remediation equipment for a period of one year following the remediation system startup. The department shall also require a warranty that installation of all equipment, whether it be new, used or provided by the Seller, shall be done in a workmanlike manner in accordance with standard procedures and will perform as designed for a period of one year following installation.

Enabling Legislation: Neb. Rev. Stat. §66-1518, 66-1529.01 (Cum. Supp. 1998)

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